

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELAINE FAST HORSE,

Defendants.

CR-14-15-GF-BMM-1

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter December 20, 2016. (Doc. 55.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 14, 2016. (Doc. 54.) Fast Horse admitted that she violated the conditions of her supervised release. The violations prove serious and warrant revocation of Fast Horse's supervised release. Judge Johnston has recommended that the Court revoke Fast

Horse's supervised release and commit Fast Horse to the custody of the Bureau of Prisons for four months (Doc. 55 at 5.) Judge Johnston further has recommended that Fast Horse's term of custody be followed by 32 months of supervised release, to include two months at Passages and six months at the Residential Reentry Center in Billings, MT.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Fast Horse's violations of his conditions represent a serious breach of the Court's trust. A sentence of four months custody followed by 32 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 55) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Elaine Fast Horse be sentenced to four months custody followed by 32 months of supervised release, to include two months at Passages and six months at the Residential Reentry Center in Billings, MT. The conditions previously imposed shall be continued.

DATED this 10th day of January, 2017.



Brian Morris
United States District Court Judge